IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 3564 of 1994

Between:

M.B.J.R.Prasada Rao, S/o.Dharma Raju,
Kamavarapukota West Godavari District … Petitioner

AND

1 The District Collector West Godavari District, Eluru.
2 The Revenue Divisional Officer, West Godavari District, Eluru.
3 The Mandal Revenue Officer, Kamavarapukota Mandal,
West Godavari District.
4 Sri K.Vidyadhara Rao, MLA, MLA Quarters Hyderabad.
R3 & R4 dismissed for default as per court order dt.2/8/99
…Respondents**.**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court be pleased to issue a writ, direction or order more particularly one in the nature of writ of mandamus directing the respondents to: i) constitute a high level committee headed by a Joint Collector to enquire into the illegal and irregular assignments of lands in the name of ineligible, benami and fictitious persons in the Mandals of Kamavarapukota, Chintalapudi, T.Narsapuram and Lingapalem Mandals of West Godavari District including those set out in the annexure to the writ petition in a time bound manner and submit a report after hearing all the interested persons including the writ petitioner. ii) publish the report and make it available to all the persons interested to raise any objections within one month of the publication of the report and iii) to take immediate steps for cancellation of pattas in respect of the assignments found illegal or irregular and to assign the same to the landless poor after due enquiry. iv) and pass such other order.

Counsel for the Petitioner: MR.M.V.DURGA PRASAD

Counsel for the Respondents 1 & 2: GP FOR REVENUE (Assignments)

The Court made the following :

ORDER:

Heard Sri M.V.Durga Prasad, the learned counsel appearing for the petitioner and the learned Government Pleader for Revenue (Assignment) appearing on behalf of the respondents herein.

In this writ petition, the petitioner, who is a social worker, seeks a writ of Mandamus for a direction to constitute a Committee aptly to go into the correctness of the assignments made at the behest of the fourth respondent who was the then Member of Legislative Assembly. Though several contentions are sought to be urged on behalf of the petitioner in respect of the illegal assignments alleged to have been made by the respondents, however, having regard to the fact that this writ petition has already stood dismissed as against the respondents 3 and 4 as per the Court order dated 02.08.1999, this Court cannot go into the merits or the allegations as made. However, having regard to the nature of allegations made and especially in view of the public interest involved for which the petitioner is trying to seek a recourse, it would suffice in the interest of justice to permit the petitioner to file a comprehensive representation to the first respondent-District Collector pointing out the illegalities in regard to the assignments made and on receipt of which, the first respondent shall enquire into the same and pass orders in accordance with law after giving notice and opportunity to the petitioner. The petitioner shall file a representation within four weeks from today and the same shall be disposed of by the first respondent within a period of three months thereafter.

The writ petition is accordingly disposed of. No costs.

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B. PRAKASH RAO, J

17th March 2005.

Chvn/DRK.

Note: C.C. in one week.

Copy to:

1 The District Collector West Godavari District, Eluru.
2 The Revenue Divisional Officer, West Godavari District, Eluru.
3 The Mandal Revenue Officer, Kamavarapukota Mandal,
West Godavari District.
4 Sri K.Vidyadhara Rao, MLA, MLA Quarters Hyderabad.
5 Two CCs to the G.P. for Revenue(Assignments), High Court of A.P., High Court buildings, Hyderabad. (o.u.t.)

6 Two CD copies.